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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: 05.12.2023

Pronounced on: 06.12.2023

+ **BAIL APPLN. 3812/2023**

HARISH CHANDER @ SURAJ BHATT Petitioner

Through: Mr. Ankit Gupta, Ms. Astha Joshi, Mr. Akash Gupta and Ms. Divya, Advocates.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C'), read with Section 31 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'), has been filed on behalf of the applicant, seeking grant of regular bail in the case arising out of FIR bearing No. 0035/2023, dated 16.01.2023, Police Station Saket, Delhi registered under Sections 384/506/201/341 of the Indian Penal Code, 1860 ('IPC'), currently pending in the Court of learned Additional Sessions Judge (SC-POCSO), South, Saket Court, New Delhi.



2. Brief facts of the case are that, when the complainant, who is the mother of the victim, had reached Court No. 605 in Saket Courts, Delhi, for attending some other Court matter, she had met one person who had disclosed his name as Suraj Bhatt i.e. the present applicant. He had started talking to the complainant and had told her that he was working as a *munshi* of a High Court Judge and he was also from Uttarakhand. He had allegedly assured her that he would help her in getting maximum punishment to the accused Firoj in their other criminal case pending in a Court in District Saket, but for that, he would need some videos of her minor daughter 'P', who was aged about 17 years. He had also assured her to get her maximum compensation from the Court. Thereafter, on 13.01.2023, when the complainant had gone for work, the applicant Suraj Bhatt had called her daughter i.e. the victim and had asked her to prepare her nude videos and send to him. Thereafter, the victim had sent him a video of herself as per his instructions. The applicant had however told the victim that this video was not sufficient, and two more videos of about 15-15 minutes be sent to him for showing them to the *Judge Sahab* in the High Court. Accordingly, the victim had again sent him two videos of herself. After some time, the complainant had come back home and had seen the videos and had instantly deleted the same.

3. The applicant/accused had again called the complainant and had told her that the said *Judge Sahab* was putting pressure on him as to why video had been received. He had again made a phone call to her at 8 pm and had asked for two other videos of five minutes each,



however the complainant had asked the victim not to make any further video. The applicant had then told that the said videos would be shared between him and the *Judge Sahab* only. Thereafter, on the next day i.e. 14.01.2023, the applicant had made 32 videos and some photographs from said 03 videos, and upon being asked as to why he was doing so, the applicant had told the complainant that the said videos would be only shown to the *Judge Sahab*. The complainant had requested the applicant to delete the videos, however, he had denied to do the same. He had also started threatening that he would upload all the videos on social media if they did not pay Rs. 25,000/- to him. Thereafter, the complainant had narrated the entire incident to her advocate and a complaint regarding this was filed at Police Station Saket, on the basis of which the present FIR was registered.

4. During investigation, accused persons namely Harish Chander @ Suraj Bhatt i.e. applicant herein and co-accused Karan, were arrested. On 26.01.2023, during investigation, mobile phones of the accused persons were seized, and it was revealed that they had formatted their mobile phones to intentionally destroy the evidence. It was also revealed that co-accused Karan had called the complainant and had threatened her that a case could be registered against her as the videos were sent by the victim and he had also introduced himself as a Cyber-Crime Officer, and had told her that the videos had been received in his office. Further, during investigation, it transpired that the co-accused Karan was trying to put pressure on the complainant, so that she would give money to him and his father i.e. applicant herein. Co-Accused Karan had also



disclosed that he had all the nude videos which were received from someone else. The complainant had requested him to delete the videos, and that she had already got a case registered in this regard. When the accused had come to know that a case has been registered against them, both the accused persons had formatted their mobile phones with intention to destroy evidence. Charge-sheet was filed in this case under Sections 384/506/201/341 of IPC. FSL Report was obtained, and was also filed in the Court.

5. Learned counsel for the applicant/accused argues that in this case, the videos in question have been sent by the mother of the victim herself, and that the accused is innocent, and has been falsely implicated in the present case. It is also argued that the mother of the victim had herself recorded the nude videos of her daughter on the assurance of the applicant to allegedly show them to the Judge, subsequent to which the complainant was assured that a compensation of Rs. 2,50,000/- would be awarded to her daughter. It is also argued that the complainant/mother had herself convinced her daughter, who is the victim, to make nude videos of herself, and to forward them to the accused herein, with the motive of earning easy money, under the garb of getting compensation. It is argued that getting money was the sole motive behind the entire incident. It is further argued by the learned counsel for the accused that it is unlikely that after few minutes of meeting an absolute stranger, i.e. the accused, the complainant had decided to record nude videos of her daughter and to forward them to him. It is argued that a case should be registered against the mother of the victim, for the said



acts; and she should be arrested. It is also stated that there is a delay of 02 days in informing the police about the threats allegedly received from the applicant. It is stated that the complainant/mother of victim is a gold-digger, and had used her minor daughter to extort money. It is further stated that charge-sheet has already been filed in the present case, and the accused is not required for further investigation or custodial interrogation, and therefore, he be granted bail.

6. Learned APP appearing on behalf of the State, on the other hand, argues that the allegations in the present case are of serious nature, and that the accused has been threatening the family of the victim. It is further argued that the accused had allured and assured the victim and her mother that he would get them compensation for a case pending trial, and had misused the name of the High Court, and had thus brought disrepute to the judicial system. It is further argued that he had procured the nude videos of the victim, and had started blackmailing her and demanding money. It is also argued that the victim in her statement recorded under Section 164 of Cr.P.C. had disclosed that the applicant had made her talk to '*Judge Sahab*' on a conference call after which the applicant had asked the victim to prepare two nude videos of 15 minutes each and had also told her how to prepare such videos. It is, therefore, prayed that the present bail application be rejected.

7. This Court has heard arguments addressed by both the parties, and has gone through the material placed on record.



8. In the present case, this Court is of the opinion that a perusal of the statement of the victim, under Section 164 of Cr.P.C., reveals that the accused herein had introduced himself, to the complainant/mother and the victim, as a *munshi* of a Judge of the High Court of Delhi; and that he could get their work done i.e. get them compensation by asking the Judge with whom he was attached. Thereafter, he had insisted on procuring the nude videos of the victim, on the pretext of showing them to the *Judge Sahab*. victim in her statement recorded under Section 164 of Cr.P.C. The victim had also disclosed that the applicant had made her talk to '*Judge Sahab*' on a conference call after which the applicant had asked the victim to prepare two nude videos of 15 minutes each and had also told her how to prepare such videos. Later on, he had started blackmailing the complainant and had demanded Rs. 25,000/-, for deleting the videos. He had also threatened them, that in case he will not be paid money, he will post the said videos on social media, and send these to High Court and Supreme Court. He had kept on continuously sending the videos and photographs to the family members of the victim, and had also threatened them with dire consequences.

9. A perusal of the FSL report reveals that though the mobile phone which was used for the commission of offence had been formatted, **the phone had been sent for cyber forensic analysis and the Cyber Forensic Division of Forensic Science Laboratory, Delhi has given a finding that obscene images and video files were retrieved from the mobile phone in question belonging to the present accused. Thus, thanks to the advanced technology,**



that the investigation revealed the prima facie truth of statement of the victim. The detailed forensic report is not being reproduced or discussed in the present order, lest it affects the trial of the case, at a later stage.

10. Moreover, in the facts and circumstances of the case, it is unlikely that the mother of the victim would herself prepare the nude photographs of her daughter. Further, in light of the specific allegation that the accused herein had misrepresented to the victim that he was making her speak to a High Court Judge, and that he was working with a High Court Judge, who will ensure that compensation is granted in a pending case before a District Court when the videos will be sent to the Judge, are in themselves grave and serious allegations, which undoubtedly bring the judicial system into disrepute. It also reflects how unassuming or illiterate persons are allured in the name of the Judges for blackmailing and for commission of offences, as the present one.

11. This Court also notes that in case the present case was not registered or the truth was not brought out through police investigation and FSL report, the accused herein would have succeeded in giving an **impression that the judicial system was indulging in such abhorring acts.** The judicial system or the name of any judge or judicial officer used by unscrupulous persons brings disrepute to the system which cannot be allowed at any cost. This case and order would also **serve as a reminder that general public should not believe unscrupulous persons and give them money, even if they are assured that they will get some work done from**



within the judicial system by such payment. Such persons and such acts are a threat to the judicial system which shake the faith of the community in the judicial system. The justice delivery system has to be stubbornly safeguarded from such acts and persons.

12. Considering the overall facts and circumstances of the case, the conduct of the accused, and the fact that charges are yet to be framed and the victim is yet to be examined, no ground for grant of bail is made out at this stage.

13. Accordingly, the present bail application is dismissed.

14. It is however clarified that the observations made hereinabove shall not be construed as expression of opinion of this Court on the merits of the case.

15. The judgment be uploaded on the website of this Court forthwith.

SWARANA KANTA SHARMA, J
DECEMBER 06, 2023/at